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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,467	02/06/2001	Shiro Fujihara	P/1912-21	4283
7590	12/15/2005		EXAMINER	
Steven I Weisburd Esq Dickstein Shapiro Morin & Oshinsky LLP 1177 Avenue of the Americas 41st Floor New York, NY 10036-2714			VENT, JAMIE J	
			ART UNIT	PAPER NUMBER
			2616	
			DATE MAILED: 12/15/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,467	FUJIHARA, SHIRO	
	Examiner	Art Unit	
	Jamie Vent	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 7-9 is/are allowed.
- 6) Claim(s) 1,2,4-6,10,11,13-17,20 and 21 is/are rejected.
- 7) Claim(s) 3,12 and 18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed September 22, 2005 have been fully considered but they are not persuasive. On Page 11-12 applicant argues that Yagasaki et al fails to teach, disclose, or fairly suggest the limitation of: "wherein at least one of the orthonogonal transform coefficients is changed to zero" as disclosed in independent claim 1. It is noted in Yagasaki et al in Figure 7 shows the changing of the orthonogonal transform coefficients to zero and as described in Column 10 Lines 10-51. Although, all of applicants points are understood the examiner can not agree and therefore the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6, 10, 11, 13-17, 19-21 are rejected under 35 U.S.C. 102(b) as being unpatentable by Yagasaki et al (US 6,266,482).

[claim 1]

In regard to Claim 1, Yagasaki et al discloses a copy controlling system in a device for compressed and encoded digital receiving and recording contents, comprising:

- a means for changing orthogonal transform coefficients for every block obtained by decoding processing of the digital contents, depending on

attribute information relative to copying restriction of the digital contents (Column 3 Lines 55-67 through Column 4 Lines 1-45 discloses the means for changing the orthogonal transform coefficients for every block as further seen in Figures 1 and 2); and

- a means for creating stream data for recording after encoding again the orthogonal transform coefficients for every block (Figure 1 shows the means for creating stream data for recording the orthogonal transform coefficients for every block);
- wherein at least one of the orthogonal transform coefficients is changed to zero (Figure 7 shows the changing of the orthogonal transform coefficients and as further described in Column 10 Lines 10-51).

[claims 2, 11, & 17]

In regard to Claims 2, 11, and 17 Yagasaki et al discloses a copy controlling system in a device for recording digital contents compressed and delivered by the MPEG (Moving Picture Coding Experts Group) standard comprising:

- a means for requiring even a discrete cosine transform (referred to as "DCT") coefficient of the digital contents, in decoding the digital contents (Column 3 Lines 25-67 describes the means for requiring a DCT coefficient for digital contents);
- a within-block coefficient controlling means for changing the DCT coefficients within a block, according to attribute information relative to recording restriction of the digital contents (Column 4 Lines 53-67 describes

the changing of the DCT coefficient within a block as further seen in Figure 3); and

- a means for creating stream data for recording after encoding again the obtained DCT coefficients (Column 7 Lines 57-67 describes the means of creating a stream of data for the encoded data which obtains the DCT coefficients);
- wherein at least one of the orthogonal transform coefficients is changed to zero (Figure 7 shows the changing of the orthogonal transform coefficients and as further described in Column 10 Lines 10-51).

[claims 4, 13, 19]

In regard to Claims 4, 13, and 19, Yagasaki et al discloses a copy controlling system in the case of the digital contents whose attribute information is the CopyOnce, information for charging the above to the attribute NoMoreCopy is added to the DCT coefficients (Column 8 Lines 45-67 describes the copy control system in which the digital contents contains copy once information and no more copy information which is added to the DCT coefficients).

[claims 5, 14, & 20]

In regard to Claims 5, 14, and 20, Yagasaki et al discloses a copy controlling system in which it is said within block coefficient controlling means in the case of the digital contents whose attribute information is the NeverCopy or the NoMoreCopy, the number of the AC components whose values remain in the DCT coefficients within one block is increased or decreased periodically with time (Column 12 Lines 40-64 describes the

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copy controlling of the contents based on the attribute information wherein the values are increased or decreased).

[claims 6, 15, & 21]

In regard to Claims 6, 15, and 21, Yagasaki et al discloses a copy controlling system in said within-block coefficient controlling means, in the case of the digital contents whose attribute information is the Nevercopy or the NoMorecopy, the number of the AC coefficients whose values remain in the DCT coefficients within one block is varied, based on the compression ratio of the digital contents; and in the case of the digital contents having a high compression ratio, the number of the AC coefficients whose values remain is set small, while in the case of the digital contents having a low compression ratio, the number of the AC coefficients whose values remain is set large (Column 12 Lines 5-67 describes the copy control system wherein the in-block coefficients are increased or decreased based on the ratio set regarding the value of the attribute information).

[claims 10 & 16]

In regard to Claims 10 and 16, Yagasaki et al discloses a copy controlling method comprising the steps of:

- a step of receiving compressed and encoded digital contents, requiring orthogonal transform coefficients for every block of the digital contents in decoding the digital contents, and changing the orthogonal transform coefficients, depending on attribute information relative to copying restriction of digital contents, the digital contents (Column 3 Lines 55-67

through Column 4 Lines 1-45 discloses the means for changing the orthogonal transform coefficients for every block as further seen in Figures 1 and 2); and;

- a step of creating stream data for recording after encoding again the obtained orthogonal transform coefficients (Column 7 Lines 58-67 describes creating the stream data for recording the encoded stream);
- wherein at least one of the orthogonal transform coefficients is changed to zero (Figure 7 shows the changing of the orthogonal transform coefficients and as further described in Column 10 Lines 10-51).

Allowable Subject Matter

[claims 3, 12, and 18]

Claims 3, 12, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

[claims 7, 8, & 9]

Claims 7, 8, and 9 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art of record, Yagasaki et al discloses a copy control system wherein DCT coefficients are changed on a selecting basis as seen in Figures 2-3; however, fails to teach, suggest, or disclose the a recording data controlling system wherein:

“..a within-block coefficient controlling unit for turning to 0 the values of the DCT coefficients within a block other than a DC component and a predetermined number of AC components of low frequency region..”

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent
12/08/05


James J. Groody
Supervisory Patent Examiner
Art Unit 2616